

**UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF WISCONSIN**

APPLE INC.	)	
	)	
Plaintiffs and Counterclaim	)	Case No. 1:11-cv-178 (BBC)
Defendants,	)	
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
MOTOROLA MOBILITY, INC.	)	
	)	
Defendants and Counterclaim	)	
Plaintiffs.		

**MOTOROLA MOBILITY, INC.'S MOTION FOR SUMMARY JUDGMENT**

Defendant Motorola Mobility, Inc. hereby moves this Court, pursuant to Federal Rule of Civil Procedure 56, for summary judgment on the following Apple claims:

- Count I – Equitable Estoppel
- Count II – Breach of Contract – ETSI/3GPP
- Count III – Breach of Contract to Which Apple is a Third Party Beneficiary – ETSI/3GPP
- Count IV – Breach of Contract to Which Apple is a Third Party Beneficiary – IEEE
- Count V – False F/RAND Commitments and Deceptive Acts in Violation of Section 2 of the Sherman Act
- Count VI – Unfair Competition and Unlawful Business Practices in Violation of Cal. Bus. & Prof Code ¶ 17200, et seq.
- Count VII – Declaratory Judgment That Motorola's Offers have not been on F/RAND Terms
- Count XI – Declaratory Judgment of No Entitlement to Injunctive Relief
- Count XII – Declaratory Judgment of Patent Misuse

- Count XIII – Interference with Contract

Motorola's motion is based upon the Motion, the Memorandum in Support of Motorola's Motion, Motorola's Proposed Findings of Fact, and all cited record references therein.

Dated: April 27, 2012

Respectfully Submitted,

MOTOROLA MOBILITY, INC.

By: s/ Brian C. Cannon  
Brian C. Cannon

Scott W. Hansen  
Lynn M. Stathas  
Lisa Nester Kass  
Reinhart Boerner Van Deuren s.c.  
22 East Mifflin Street  
P.O. Box 2018  
Madison, WI 53701-2018  
Telephone: (608) 229-2200  
Facsimile: (608) 229-2100  
1000 North Water Street, Suite 1700  
Milwaukee, WI 53202  
Telephone: 414-298-1000  
Facsimile: 414-298-8097  
Email: shansen@reinhartlaw.com  
lstathas@reinhartlaw.com  
lkass@reinhartlaw.com

*Attorneys for Defendant Motorola Mobility, Inc.*

David A. Nelson  
Jennifer A. Bauer  
Quinn Emanuel Urquhart & Sullivan, LLP  
500 West Madison St., Suite 2450  
Chicago, IL 60661  
Telephone: (312) 705-7400  
Facsimile: (312) 705-7401  
Email: davenelson@quinnemanuel.com  
jenniferbauer@quinnemanuel.com

Edward J. DeFranco  
Alexander Rudis  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100  
Email: eddefranco@quinnemanuel.com  
alexanderrudis@quinnemanuel.com

Brian C. Cannon  
Meghan Bordonaro  
Shawna M. Reeder  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100  
Email: briancannon@quinnemanuel.com  
meghanbordonaro@quinnemanuel.com  
shawnareeder@quinnemanuel.com

*Attorneys for Defendant Motorola Mobility, Inc.*